

**United States Senate**  
WASHINGTON, DC 20510

May 24, 2023

**VIA ELECTRONIC TRANSMISSION**

The Honorable Anne Milgram  
Administrator  
Drug Enforcement Administration

Dear Administrator Milgram:

My April 20, 2023, letter raised allegations of contract irregularities reported to my office by multiple credible whistleblowers. In that letter, I also expressed deep disappointment in the lackluster report prepared by WilmerHale that glossed over DEA's significant failures in the oversight of its foreign operations. This report was prepared at great expense to the taxpayer, and with great delay, by a firm handpicked by DEA for its purported expertise and ability to work quickly.<sup>1</sup> Whistleblowers alleged that this report also was clouded by conflicts of interest. The DEA has failed to respond to these serious allegations. And not only that, but when I asked WilmerHale to provide documents to ensure the integrity of its report, they said that DEA refused to allow production of these documents, which are key to regaining the faith of the American people and of Congress.<sup>2</sup> Trying to hide information from Congress and the American people will not make this investigation go away.

As I outlined in my April 20 letter, whistleblowers alleged a practice within DEA of hiring prime contractors or instructing prime contractors to hire subcontractors with whom DEA staff are personally connected.<sup>3</sup> This includes allegations of improper and potentially illegal hiring through sole-source contracting, without those contracts meeting the requisite qualifications under federal regulations for removing them from the competitive-bidding process.<sup>4</sup> Whistleblowers allege that you have longstanding personal connections with one or both of the individuals DEA contracted with to conduct the review of your oversight of foreign

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<sup>1</sup> See Drug Enforcement Administration, Justification for Other Than Full and Open Competition (revised March 2021), <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/7f6745f0c167484d99616fa04a875c9d/download?&status=archived&token=>.

<sup>2</sup> Letter from Bruce Berman, General Counsel, WilmerHale, to Charles E. Grassley, Ranking Member, Senate Committee on the Budget, (May 5, 2023), on file with Committee staff.

<sup>3</sup> Letter from Charles E. Grassley, Ranking Member, Senate Committee on the Budget, to Anne Milgram, Administrator, DEA (April 20, 2023), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_dea\\_-\\_contracting\\_issues.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_dea_-_contracting_issues.pdf).

<sup>4</sup> See 41 U.S.C. § 253(a).

operations, Mr. Boyd Johnson of the WilmerHale law firm, and Mr. Jack Lawn.<sup>5</sup> DEA needs to respond to these allegations and all of the information requests in my letter, and it needs to immediately provide records shedding light on WilmerHale's report, which is widely regarded as a failure, and which is clouded with allegations of impropriety. If there is nothing to hide, DEA must provide these records right away.

Congress has the duty to ensure DEA's compliance with the law and also to make sure that conflicts of interest did not compromise WilmerHale's foreign operations report, a taxpayer funded product. Accordingly, so that Congress may perform an independent and objective review, I reiterate my request for the immediate release of the information requested in my April 20 letter. Please also respond to the following additional requests no later than June 7, 2023:

1. Provide a copy of the governing contract between DEA and WilmerHale for its preparation of the DEA foreign operations report, as well as an explanation for why DEA has attempted to use this contract as a basis to refuse production of records related to the report.
2. Has Mr. Louis Milione, your Principal Deputy Administrator, communicated at any time with anyone at WilmerHale about the contract between DEA and WilmerHale or the report on DEA's foreign operations? If so, please provide all records<sup>6</sup> related to these communications.

If you have any questions, please contact James Layne on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

Cc: The Honorable Michael Horowitz  
Inspector General  
U.S. Department of Justice

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<sup>5</sup> See U.S. Gen. Servs. Admin., Contract Opportunity, Foreign Operations Review, <https://sam.gov/opp/2ac82115f0714f0aa3f12c084755472e/view>.

<sup>6</sup> "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).